



Town of Groton, Connecticut

Meeting Minutes

Town Council Committee of the Whole

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Groton, CT 06340-4394
Town Clerk 860-441-6640
Town Manager
860-441-6630

Mayor James L. Streeter, Councilors Bruce S. Flax, Bill Johnson, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Paulann H. Sheets, and Harry A. Watson

Tuesday, September 14, 2010

7:00 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

1. CALL TO ORDER

Mayor Streeter called the meeting to order at 7:04 p.m.

2. ROLL CALL

Members Present: Mayor Streeter, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Peruzzotti, Councilor Sheets and Councilor Watson
Members Absent: Councilor Johnson

3. Calendar and Communications

Councilor Sheets noted that she has not been able to retrieve her voicemail messages and she apologized.

4. Approval of Minutes

2010-0190 Approval of Minutes (Committee of the Whole)

RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES

RESOLVED, that the minutes of the Town Council Committee of the Whole meeting of August 17, 2010 and August 24, 2010 are hereby accepted and approved.

A motion was made by Councilor Monteiro, seconded by Councilor Kolnaski, to adopt.

The motion carried unanimously

5. UNFINISHED BUSINESS

Councilor O'Beirne noted that we are about a quarter of the way through the fiscal year and the discussion about the Groton Long Point Police issue has been postponed. The Town Manager was asked to schedule a meeting with Bob Congdon regarding Groton Long Point's supplemental appropriation request.

6. NEW BUSINESS

2010-0191 Bluff Point to Preston Trail - Update

Discussed

A prepared report was distributed to the Council. Dave Holdridge, Chairman of the Tri-Town Trail Committee, provided a brief history of the Committee that has been working with a consultant to identify a preferred route for a Bluff Point to Preston trail and working with legislators to identify grant opportunities. The Committee is also seeking private donations and has partnered with the Parks and Recreation departments of the three towns as well as recreational clubs. The Committee is working to line up stakeholders and relevant landowners, however they have made no progress gaining access to Groton Utilities' reservoir property. Chad Frost, consultant, spoke about the Committee's desire to start the project at Bluff Point and move north with on-road bike lanes along Depot Road, North Road, and then off-road on Route 117 heading north. The Committee is asking for the Council's support and encouragement and permission to work with Town departments to gather necessary information.

The Town Manager suggested that if the Council is willing to consider bike lanes, a referral be made to the Traffic Authority so that the issue can be studied. Mayor Streeter made the referral.

Mr. Frost described the attempts to work with Groton Utilities on access to the reservoir property.

The Town Manager asked for additional information from Mr. Frost on desired widths and lengths for the bike lanes.

Referred

2009-0124

Ethics Ordinance

Discussed

Dean Antipas, Chairman of the Ethics Task Force, provided a brief history of the group's activities and development of a draft Code of Ethics. The Task Force surveyed model codes and issues that should be included in a comprehensive code. A draft Code was reviewed by the Task Force over the course of a year and revised. The Code covers the description of unethical and inappropriate behavior and the composition of an Ethics Commission. Mr. Antipas explained an inquiry process that turns into a complaint if there is probable cause. Standards of conduct are not included in the Code of Ethics. Authorized boards and commissions of the Town were surveyed for their comments and suggestions. Mr. Antipas recommended that the Code be reviewed by the Town Attorney. He solicited comments from the Town Council.

Councilor Kolnaski questioned applying the Code to the Board of Education. Mr. Antipas expressed the opinion that they should be subject to the Code. He noted that the Code of Ethics is not meant to "trump" any state provisions or collective bargaining unit agreements. The Board of Education's existing Code of Ethics deals simply with educational issues.

Councilor O'Beirne noted a number of areas of concerns. Councilors were encouraged to forward their comments to the Task Force. Councilor Peruzzotti questioned how the Code would impact the City of Groton and Groton Long Point. The Town Manager noted this would be an ordinance, and Town ordinances do apply to those areas of Town, but it is a question for the Town Attorney. Mayor Streeter asked if there would be a mechanism for amending the ordinance. Mr. Antipas stated he would expect amendments, so that issue should be addressed by the Town Attorney.

The consensus of the Council was to review their comments to date on the draft with Mr. Antipas.

Councilor O'Beirne noted his questions and concerns as follows:

- Page 6 - Disclosure and Disqualification. The person who is most knowledgeable about a situation may have a conflict of interest and not be allowed to vote, but they can participate in discussion.*
- Page 8 - Gifts. There should be some minimum level identified.*
- Page 9 - Confidential Information.. Information is shared in executive sessions and caucuses.. Revealing information from these sessions was previously reviewed by the Town Attorney and found not to be illegal. "Shall" not disclose should be changed to "should" not disclose. Also, under Ex Parte Communications, this subject should be address for non-public hearing issues.*
- Page 10 - Favoritism. Special consideration should be clarified.*
- Page 12 - Ethics Commission. There are many. This section should be clarified with respect to PACs that may not have anything to do with Town operations and members of political parties. This section precludes letters to the editor and other free speech. Mr. Antipas noted that the provisions in the Code of Ethics are designed to eliminate an appearance of conflict as well as an actual conflict.*
- Page 13 - Ethics Commission. Assure that the voting requirements are consistent throughout the document.*

- Page 17 - Ethics Commission. Is the section about meeting in closed session compliant with FOIA?
- Page 18 - Ethics Commission. Is the section regarding confidential records compliant with FOIA?
- Page 20 - Ethics Commission. Define "respect the 'rules of evidence'."
- Page 21 - Penalties. What is the authorization for imposing civil penalties and is there a basis in State Statutes? How does this section relate to personnel rules and collective bargaining agreements? What are the anticipated legal expenses and is the Town responsible for reimbursement?

Councilor Peruzzotti had the following questions/concerns:

- Page 4 - Definitions. How is the definition of gift interpreted?
- Page 6 - typo ("any")
- Page 10 - Misuse of Town Property and Reimbursement. Will this section impact employees who take Town vehicles home?

Councilor Kolnaski had the following concern:

- Page 21 - Penalty for Violations. Eliminate public censure.

Councilor Monteiro agreed with Councilor Kolnaski about public censure and Councilor Peruzzotti about the definition of gift. Mr. Antipas noted the provision is designed to stop the person considering an inappropriate gift, not to call into a question a particular gift between friends.

Discussion followed on the process for referrals in the case of necessary legal action.

Mayor Streeter thanked the Task Force for its efforts. Discussion followed on referring the document to the Town Attorney and forwarding it to boards and commissions for review. Mr. Antipas was asked to provide a marked-up document addressing Councilors' comments..

Councilor Watson asked that the Code be sent to the Board of Education also. Discussion followed on applicability of the Code to the City of Groton and Groton Long Point.

2010-0188

Colonel Ledyard School Lease to City of Groton

Discussed

Town Manager Oefinger distributed a letter from Mayor Popp indicating that the City's intended use for the Colonel Ledyard School property is municipal, although specifics have not yet been identified. Councilor Monteiro asked if there is any thought that the building will be torn down, which is not addressed in the letter. The lease gives the City the authority to demolish the building if they want to, similar to what was done for the Eastern Point School property. Councilor Watson noted the cost associated with holding onto the property. The Town Manager noted the sections of the lease that specifically states the property will be used solely for municipal purposes.

Recommended for a Resolution

2010-0172

FYE 2012 Budget

Discussed

Saturday, October 16th at 9:00 a.m. was chosen as the date for a roundtable discussion of the FYE 2012 budget. The Council asked that RTM Moderator and floor leaders be invited to attend.

2009-0166

Townwide Police Assessment

Discussed

September 23rd or September 30th has been identified as potential meeting dates to identify a scope of services for the Townwide Police Assessment. Discussion followed on the purpose of the

meeting and the consensus of the Council was to have Mayor Streeter, the Town Manager, and the Chief of Police attend.

2010-0192 Interlocal Dispatching Agreement with North Stonington

Discussed

The Town has been providing dispatching services to North Stonington for many years under a working agreement. However, state statutes require an interlocal governmental agreement in writing. The Town Attorney has prepared a draft agreement and outlined the steps necessary to enter into the agreement. The next step is a public hearing. There are no changes anticipated to the arrangement.

7. Consideration of Committee Referral Items as per Town Council Referral List

2010-0083 March 2010 Storm After Action Report

Recommended for Deletion

2009-0231 South Road Underpass Flooding

Recommended for Deletion

8. OTHER BUSINESS

With respect to the Town Manager's evaluation, Councilor Watson noted that the Town Manager puts together talking points. Councilors fill out an evaluation form and submit them to the Mayor for summarizing. Councilors are encouraged to talk to the Town Manager individually. Councilor Flax feels the process is flawed. The Council has a responsibility to Mark to tell him as a Council what their thoughts are about his performance unless his performance is rated high across the board. Mayor Streeter suggested that if there are problems, they should be addressed immediately, not held until the evaluation. Councilor Flax feels the evaluation should be conducted as a group, not individually. The Town Manager stated he is willing to do a self-evaluation, but he never receives feedback on it. The shortcoming of the process is the fact that the Mayor synthesizes the comments. Nine individual comments are not as helpful as direction from the Council as a whole. Councilor Peruzzotti recommended a special meeting to discuss a process for the evaluation.

The Mayor mentioned upcoming events.

Councilors received a letter from Mr. Barry regarding Historic District Commission proceedings. Councilor Monteiro noted that although the Council can not get involved in the merits of an application, it can choose not to appoint/reappoint members if there is conduct unbecoming. The Council can discuss conduct with the Historic District Commission, but not the specifics of a particular case. Councilor Monteiro would like to meet with the Historic District Commission regarding conduct. Councilor O'Beirne noted that Mr. Barry's allegations that recordings are missing or minutes are inaccurate is a problem that should be addressed. The Town Manager was asked to forward a copy of the letter to the Historic District Commission.

Councilor Sheets requested an update on the Allyn Building and 23 Library Street.

9. ADJOURNMENT

A motion was made by Councilor Kolnaski, seconded by Councilor Sheets, to adjourn at 9:28 p.m.

The motion carried unanimously.